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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
MANUEL NATHAN GARCIA,  
Defendant and Appellant.

A102295  
(Sonoma County Super. Ct.  
Nos. SCR-29908 & SCR-31605)

Manuel Garcia appeals from a judgment of conviction entered upon a plea of nolo contendere and the revocation his probation. Appellant's court-appointed counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

In Sonoma County Case No. 29908 in July 2001, the court sentenced appellant to the aggravated term of five years in state prison for robbery (Pen. Code, § 211)<sup>1</sup> and enhanced the term by one year because of appellant's admitted use of a deadly weapon during the commission of the offense (§ 12022, subd. (b)). The court then stayed execution of sentence for a period of three years.

In July 2002, the court summarily revoked appellant's probation based on the probation department's allegations that appellant failed to obey all laws, abstain from the use of controlled substances and possessed a weapon and drug paraphernalia. Also in

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<sup>1</sup> Unless otherwise indicated, all statutory references are to the Penal Code.

July 2002, the prosecution filed a new complaint which ultimately resulted in an information (Sonoma County Case No. 31605) that charged appellant<sup>2</sup> with possession of methamphetamine (Health & Saf. Code, § 11378) and alleged that appellant suffered a prior strike (§ 1170.12).

In February 2003, in Sonoma County Case No. 31605, appellant pleaded nolo contendere to possession of methamphetamine for sale (Health & Saf. Code, § 11378). At the same time, appellant admitted violating the terms of the probation granted him in Sonoma County Case No. 29908. Appellant entered his pleas with the understanding that the maximum term the court would impose for both cases would be six years in state prison.

In Sonoma County Case No. 29908, the court imposed appellant's previously stayed six-year prison term for robbery (§ 211) and an enhancement for the use of a deadly weapon during the commission of the offense (§ 12022, subd. (b)). In Sonoma County Case No. 31605, the court sentenced appellant to a concurrent middle term of three years in state prison for possession of methamphetamine for sale (Health & Saf. Code, § 11378). The court ordered appellant to pay a \$600 restitution fine and granted him 593 days' total presentence credit in Sonoma County Case No. 29008 and 397 days' total presentence credit in Sonoma County Case No. 31605.

Before appellant entered his pleas, the court advised him of the constitutional rights he would be waiving and the direct consequences of his plea and admission. Appellant expressly waived his constitutional rights and knowingly and voluntarily pleaded nolo contendere and admitted violating the terms of his probation.

Appellant was represented by counsel throughout the proceedings.

There was no sentencing error.

There are no issues that require further briefing.

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<sup>2</sup> The information and the complaint also named Kristin Ashley Parrish as a codefendant.

The order revoking appellant's probation in case number SCR-29908 and the judgment imposed in case number SCR-31605 are affirmed.

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Jones, P. J.

We concur:

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Stevens, J.

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Simons, J.